

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 9, 1996
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:26 a.m. Mayor Golding announced a Special Presentation and Proclamation honoring Assistant Manager Maureen Stapleton by making January 9, 1996 "Maureen Stapleton Day" in San Diego. Mayor Golding thanked Maureen for her excellent service to the City and expressed she would be missed. Mayor Golding further stated she was looking forward to working with Ms. Stapleton in her new capacity as General Manager of the County Water Authority and congratulated her on that position. Maureen Stapleton expressed that it was a tremendous pleasure to work for the City of San Diego and felt very fortunate to have worked with City Manager McGrory, The City Council and all the staff for nine years.

The meeting was recessed by Mayor Golding at 12:15 p.m. The meeting was reconvened by Mayor Golding at 2:10 p.m. with Council Member Stevens not present. Mayor Golding recessed the regular meeting at 2:38 p.m. to convene the Redevelopment Agency. Mayor Golding reconvened the regular meeting at 2:39 p.m. with all Council Members present. The meeting was adjourned by Mayor Golding at 2:40 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour/Fishkin (pr/mc)

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Wear-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Ronald Schneider regarding funding of the San Diego Symphony.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A010-036.)

ITEM-PC-2:

Comment by Dr. Gregory Ferguson regarding his concern of the transient population around the North Park Theater.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A040-065.)

ITEM-PC-3:

Comment by John Cheney referencing the Brown Act, its purpose, and the need for more clarity in the writing of agenda items for the public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A066-080.)

COUNCIL COMMENT:

None.

ITEM-116:

SUBJECT: Cooperative Agreement with the County of San Diego for Construction of State Route 56.

(Carmel Valley, Rancho Pegasquitos, and Future Urbanizing Community Areas. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-745) ADOPTED AS RESOLUTION R-286793

Authorizing a Cooperative Agreement with the County of San Diego for the construction of State Route 56.

CITY MANAGER SUPPORTING INFORMATION:

Currently the majority of State Route 56 has been constructed (or is being constructed) within the Rancho Pegasquitos and Carmel Valley Communities. The segment in between these two communities, in the Future Urbanizing Area, is currently in the environmental documentation phase. Design of this important roadway is expected to commence near the end of 1996 (when the Environmental Impact Report is expected to be certified) and construction is expected to begin in early 1998. Due to the importance of this roadway a cooperative effort will be necessary

by all of the agencies involved, including the County of San Diego, Caltrans, SANDAG, and the City of San Diego. The subject agreement: 1) memorializes the cooperative relationship between the City and the County; 2) establishes an Advisory Committee to be made up of the Councilmembers of Districts 1 and 5 and Supervisors of County Districts 3 and 4, as well as the Caltrans District 11 Director; 3) a Technical Committee to be chaired by the Director of the City's Engineering and Capital Projects Department and staffed by all of the involved agencies; and 4) funding in the amount of \$20 million from the County with the balance to be identified by the City.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: A130-149.)

MOTION BY MATHIS TO ADOPT THE RESOLUTION TO APPROVE THE AGREEMENT WITH THE CHANGES AS INDICATED ON THE COOPERATIVE AGREEMENT BETWEEN CITY AND COUNTY OF SAN DIEGO RE: CONSTRUCTION OF SR56, REVISED JANUARY 8, 1996. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Two actions related to the San Diego Jack Murphy Stadium Expansion Financing.

(District-6.)

(Continued from the meeting of December 11, 1995, Item 601, at the Councilmember McCarty's request, for a report from the City Manager.)

TODAY'S ACTIONS ARE:

Adoption of the ordinance in Subitem A; and adoption of the resolution in Subitem B. (Subitem A was introduced on 11/20/95. Council voted 7-1. District 6 voted nay. District 5 not present):

Subitem-A: (O-96-81 Cor.Copy)

ADOPTED AS ORDINANCE
O-18253 (New Series)

Authorizing the execution of a Facility Lease of a portion of San Diego Jack Murphy Stadium;

Authorizing the issuance and sale of Taxable Lease Revenue Bonds by the Public Facilities Financing Authority of the City of San Diego, and making certain findings concerning the proposed financing; approving the forms of the Stadium Facility Lease, Ground Lease, Indenture, Continuing Disclosure Agreement and related financing documents.

NOTE: 6 votes required. Pursuant to Section 99 of the City Charter a notice regarding the adoption of the ordinance was published in the Daily Transcript.

Subitem-B: (R-96-696) ADOPTED AS RESOLUTION R-286794

Authorizing and approving the form and content of the Notice of Intention to Sell Bonds;

Authorizing the City Manager, subject to the authorization and direction of the Public Facilities Financing Authority of the City of San Diego, to cause the publication of the Notice of Intention to Sell Bonds at Least 15 days prior to the sale of the Public Facilities of the City of San Diego Taxable Lease Revenue Bonds, Series 1996A (San Diego Jack Murphy Stadium).

FILE LOCATION: LEAS-San Diego Jack Murphy Stadium
61 (Stadium) LEASFY96-1

COUNCIL ACTION: (Tape location: A152-C214.)

MOTION BY VARGAS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE FOR SUBITEM A, AND TO ADOPT THE RESOLUTION FOR SUBITEM B. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

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SUBJECT: Appeal of Michael R. Dunham from the decision of the Planning Commission in denying the request for an amendment to Planned Residential Development Permit PRD-95-0250 (old PRD-94-0199).

(PRD-95-0250. University Community Plan Area.
District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and deny the permit:

(R-96-934) GRANTED APPEAL, GRANTED PERMIT, ADOPTED AS
RESOLUTION R-286796

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 to deny the amendment.

Ayes: Skorepa, Quinn, McElliot, Anderson, White

Nays: None

Not present: Bernet and Neils

The University Community Planning Group has recommended approval of the permit.

SUPPORTING INFORMATION:

This project requested an amendment to the permit to add controlled access gates to a previously approved and partially developed 63 dwelling unit detached residential condominium development (Toscana portion of Renaissance).

LEGAL DESCRIPTION:

The subject property is located at 5303-5427 Renaissance Avenue, within the University Community Plan area, and is more particularly described as Lots 17 and 18, Village of Five Creeks, Map-12234.

NOTE: On November 21, 1995, Council voted 8 to 0 to hear the appeal.

FILE LOCATION: PERM - PRD-94-0199

COUNCIL ACTION: (Tape location: D006-211.)

Hearing began at 2:11 p.m. and halted at 2:27 p.m.

Council Member Stevens arrived at 2:14 p.m.

Testimony in favor by Sherm Harmer.

MOTION BY MATHIS TO GRANT THE APPEAL AND THE PERMIT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-nay, McCarty-yea, Vargas-yea, Mayor Golding-ineligible.

ITEM-331:

SUBJECT: Street Vacation - Cactus Way Southeasterly of Palomino Circle.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-96-509) ADOPTED AS RESOLUTION R-286797

Ordering the vacation of Cactus Way southeasterly of Palomino Circle.

CITY MANAGER SUPPORTING INFORMATION:

The vacation of Cactus Way south of Palomino Circle was requested by the two abutting property owners who do not have any plans to improve the area of vacation at this time. This project is in the La Jolla community plan area and abuts two single family residential units, both zoned as R1-10000. The street vacation, if authorized by City Council, would increase the size of the adjacent properties and provide additional area for the calculation of floor area ratios. However, any future development or redevelopment of the sites, would be subject to the R-1-10000 Zone Regulations. The proposed vacation has been reviewed by the La Jolla Community Planning Association which recommended approval; and on July 6, 1995, the Planning Commission recommended approval of this action by a vote of 5-0.

The right-of-way proposed for vacation is a fully improved stub-street that terminates 100 feet southeast of Palomino Circle. This street currently is not considered as a link to the circulation element of this community, but does offer the potential for a secondary access to the Mount La Jolla development located at the terminus of Cactus Way. In order to accommodate the Mount La Jolla development, the applicants are proposing to reserve an emergency access easement within the area of the proposed vacation. The right-of-way also contains public utilities and franchise facilities for which easements would be reserved. Additional conditions to the vacation include construction of curb, gutter and sidewalk across the area of vacation with a shared driveway for the emergency access and abutting properties and installation of storm drain facilities through the area of vacation. Staff review of the vacation indicates that the four required findings of vacation can be made. Staff recommends approval of this project subject to the conditions of vacation as previously stated.

FILE LOCATION: STRT J-2832; DEED F-6646 DEEDFY96-1

COUNCIL ACTION: (Tape location: D214-225.)

Hearing began at 2:28 p.m. and halted at 2:29 p.m.

MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: HEARING HELD

SUBJECT: This is the first of two scheduled public hearings regarding the Genesee Avenue and North Torrey Pines Road Landscape Maintenance District. Council will take action at the subsequent hearing scheduled for January 30, 1996 at 10:00 a.m. Public testimony will also be taken at that meeting.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Accept testimony from members of the public and refer the

matter to the second public hearing which has been scheduled for January 30, 1996 at 10:00 a.m.

CITY MANAGER SUPPORTING INFORMATION:

The proposed landscape maintenance district consists of landscaped medians and parkway in Genesee Avenue and North Torrey Pines Road. If the district is formed, construction of the landscaping improvements will be financed by the City as part of a street improvement project for the Genesee Avenue and North Torrey Pines Road intersection (CIP-52-471.0). Property owners within the proposed district would pay for the annual maintenance of the landscaping on the basis of benefit. A letter and postcard survey was sent to all property owners asking whether or not they favored the proposed landscape maintenance district. In response, 27 of the 102 property owners, representing 16.97 percent of the assessable property, have indicated their support for the district. Property owners representing 1.74 percent of the assessable property have indicated their opposition. The remaining property owners have not responded to the community council's request for input. The Genesee Avenue and North Torrey Pines Road Street Improvement Project will begin upon the approval of the maintenance district. After construction in December 1996, the landscaping improvements will be maintained by the contractor for approximately one year. No assessments will be levied for FY 1997. The FY 1998 annual maintenance cost for the proposed landscaping improvements is estimated at approximately \$67,555. The estimated annual assessment is approximately \$17.70 per 1,000 square feet of building area. UCSD is included within the district boundary but will not be assessed because they have agreed to maintain the landscaping in the public right-of-way adjacent to their property (south side of Genesee Avenue and east side of North Torrey Pines Road, south of the intersection).

FILE LOCATION: STRT M-376

COUNCIL ACTION: (Tape location: D226-305.)

Hearing began at 2:29 p.m. and halted at 2:34 p.m.
Testimony in opposition by Lynn Schemmel.

ITEM-333:

SUBJECT: Santa Fe Depot "Transit Courtyard" Improvements.

(See memorandum from CCDC dated 12/15/95. Centre City
Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-96-732) ADOPTED AS RESOLUTION R-286798

Authorizing the negotiation, execution and
administration of an agreement with North County
Transit District (NCTD) to implement certain
ISTEA-funded improvements at the Santa Fe Depot by
change order to an existing NCTD contract, and making
certain findings with respect to payments for these
improvements.

NOTE: See the Redevelopment Agency Agenda of 1/9/96 for a
companion item.

FILE LOCATION: MEET CONFY96-1

COUNCIL ACTION: (Tape location: D306-314.)

MOTION BY STALLINGS TO ADOPT. Second by Wear. Passed by
the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea,
Vargas-yea, Mayor Golding-yea.

ITEM-S500:

SUBJECT: 1996 Legislative Calendar.

INTERGOVERNMENTAL RELATIONS/RULES COMMITTEE'S RECOMMENDATION:

Adopt the following resolution:

(R-96-774) ADOPTED AS RESOLUTION R-286799

Approving the schedule of meetings for the City Council
and Standing Committees of the City Council for the
period of February 1, 1996 through December 31, 1996.

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FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D315-357.)

MOTION BY WARDEN TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-96-727) ADOPTED AS RESOLUTION R-286795

A Resolution adopted by the City Council in Closed Session on January 9, 1996:

Authorizing the City Manager to pay the sum of \$43,857.48, in the settlement of each and every claim against the City of San Diego, its agents and employees, for the property damage claim of John Moossazadeh, as a result of an incident which occurred on December 22, 1994; authorizing the City Auditor and Comptroller to issue one check in the amount of \$43,857.48, made payable to Luth & Turley, Inc., in full settlement of all claims.

Aud. Cert. 9600659

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 2:40 p.m. in honor of the memory of:

Bonnie Ward, as requested by Council Member Stevens; and

Roy G. Fitzgerald, retired Municipal Court Judge, as requested by City Attorney Witt.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: D365-398.)